

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

TARACHA et al.

Application No. 10/573,033

Confirmation No. 8939

Filed: March 22, 2006

For: ANTIGENS FOR AN EAST COAST
FEVER VACCINE

Art Unit: *To Be Assigned*

Examiner: *To Be Assigned*

Atty. Docket No. 41860-229250

Customer No.

26694

PATENT TRADEMARK OFFICE

REPLY TO DECISION ON PETITION UNDER 37 CFR 1.497(d)

MAIL STOP PCT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Decision on Petition Under 37 CFR 1.497(d) mailed on June 18, 2007 and the Notice to File Missing Requirements mailed on April 3, 2007, attached are copies of the following documents:

- Transmittal Form;
- Fee Transmittal;
- Supplemental Application Data Sheet;
- Combined Declaration and Power of Attorney;
- Joint Assignee's Consent to Change of Inventorship from International Livestock Research Institute;
- Statement of Added Inventors Under 37 C.F.R. § 1.48(a); and
- Notice to File Missing Requirements, dated April 3, 2007.

This reply is filed within the time remaining to respond to the April 3, 2007 Notice to File Missing Requirements. Another Notice to File Missing Requirements was mailed

December 21, 2006, but it was superseded by the later Notice, and is not listed in the Transaction History on PAIR.

The Applicants note that the Examiner rejected the documentation under 37 CFR 1.497(b) in her response. Applicants would like to note that this was the first filed Declaration, no Declaration having been filed in the priority PCT application. Therefore, this Declaration should fall under 1.497(a). Regardless, the response and documents filed here comply with all relevant sections.

In the Decision, the Statement of Added Inventors was deemed to be unacceptable. Included herewith are complete copies from each inventor of a revised Statement of Added Inventors.

Furthermore, the written consent of the assignee, International Livestock Research Institute, was deemed to be unacceptable because it listed inventors Jane Glew rather than Elizabeth Jane Glew and Onukari rather than Tonukari, the names signed by the inventors on the executed Statement of Added Inventors. The revised Statement of Added Inventors and the written consent of the assignee International Livestock Research Institute, consistently identify the inventors as Elizabeth Jane Glew and Nyerhovwo Tonukari. The omission of "Elizabeth" and misspelling of "Tonukari" were typographical errors in the PCT application. The written consent of the assignee International Livestock Research Institute refers to "Jane Glew" and "Nyerhovwo J. Onukari" when referencing the assignment because this is how their names were originally listed on the assignment. The assignment as executed and recorded refers to the inventors by their correct names.

In the Decision, the Declaration was also found to be unacceptable. Included herewith are complete copies from each inventor of a revised Declaration. The spelling

of "Taracha" has been corrected in the revised declaration. Additionally, the names of Elizabeth Jane Glew and Nyerhovwo Tonukari were corrected as in the Statement of Added Inventors and the written consent of the assignee International Livestock Research Institute. The addresses and citizenships of several inventors were also updated and revised. A Supplemental Application Data Sheet, filed herewith, reflects these revisions. All changes made to the Declaration submitted herewith have been initialed and dated by the applicant .

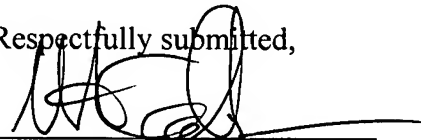
It is believed fees totaling \$1,020 include: \$1,020 for a three month extension of time to respond to the April 3, 2007 Notice to File Missing Requirements.

The Commissioner is also authorized to charge any additional fees or credit any overpayment in connection with this response to our Deposit Account No. 22-0261 under Order No. 41860-229250.

Please accept these papers and advance the application.

Dated: August 31, 2007

Respectfully submitted,



Michael A. Gollin

Registration No.: 31,957

Nancy J. Axelrod

Registration No.: 44,014

VENABLE LLP

P.O. Box 34385

Washington, DC 20043-9998

Tele: (202) 344-4000

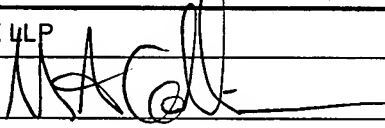
Fax: (202) 344-8400

Attorney/Agent For Applicant

MAG/NJA/lat
DC2/888086

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/573,033-Conf. #8939
	Filing Date	March 22, 2006
	First Named Inventor	Evans Taracha
	Art Unit	Not Yet Assigned
	Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	Attorney Docket Number	41860-229250

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Notification of Missing Requirements <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Reply to Decision on Petition; Declarations and Powers of Attorney; Joint Assignee's Consent from International Livestock Research Institute; Statements of Added Inventors; Decision on Petition; Notice to File Missing Requirements; Supplemental ADS
<div style="border: 1px solid black; padding: 5px; width: 150px; float: left; margin-bottom: 5px;">Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	VENABLE LLP		
Signature			
Printed name	Michael A. Gollin		
Date	August 31, 2007	Reg. No.	31,957

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2006		Complete if Known	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/573,033-Conf. #8939
		Filing Date	March 22, 2006
		First Named Inventor	Evans TARACHA
		Examiner Name	Not Yet Assigned
		Art Unit	Not Yet Assigned
TOTAL AMOUNT OF PAYMENT (\$) 1020.00		Attorney Docket No.	41860-229250

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____
☒ Deposit Account Deposit Account Number: 22-0261 Deposit Account Name: Venable LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims Extra Claims Fee (\$) Fee Paid (\$)

_____ - 20 = _____ x _____ = _____

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims Extra Claims Fee (\$) Fee Paid (\$)

_____ - 3 = _____ x _____ = _____

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims

Fee (\$) Fee Paid (\$)

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)
 _____ - 100 = _____ / 50 _____ (round up to a whole number) x _____ = _____

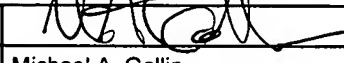
4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1253 Late submission of filing (3-Month Extension)**Fees Paid (\$)**

\$1020.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	31,957	Telephone	(202) 344-4000
Name (Print/Type)	Michael A. Gollin	Date	August 31, 2007		

09/04/2007 GFREY1 00000136 10573033

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1020.00 DA



UNITED STATES PATENT AND TRADEMARK OFFICE

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RA: MAG
WA: NJA

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/573,033	Evans Taracha	41860-229250

INTERNATIONAL APPLICATION NO.

PCT/US04/30831

I.A. FILING DATE

09/21/2004

PRIORITY DATE

09/22/2003

26694
VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

CONFIRMATION NO. 8938

371 FORMALITIES LETTER



OC000000021648768

Date Mailed: 04/03/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 03/22/2006
- Copy of the International Search Report filed on 03/22/2006
- Preliminary Amendments filed on 03/22/2006
- Information Disclosure Statements filed on 07/11/2006
- U.S. Basic National Fees filed on 03/22/2006
- Priority Documents filed on 03/22/2006
- Specification filed on 03/22/2006
- Claims filed on 03/22/2006
- Abstracts filed on 03/22/2006
- Drawings filed on 03/22/2006

41860-229250 DOCKETED
CLIENT/MATTER # 1311 ATTY MAG
DUE DATE 05/31/07
FINAL DEADLINE 12/31/07
DKTD BY [Signature]
Missing Requirements

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$380** for a Large Entity:

- **\$130 Surcharge.**
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- The specification and drawings contain more than 100 pages. Applicant owes **\$250** for 6 pages in excess of 100 pages for a non-small entity.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://spportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or

visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/573,033	PCT/US04/30831	41860-229250

FORM PCT/DO/EO/905 (371 Formalities Notice)